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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 808,062	03.14.2001	Marianne Duldhardt	ZTP 98 P 2026 PC-US	2931

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EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,062

Applicant(s)

DULDHARDT, MARIANNE

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al (US 5,715,555) in view of the admitted prior art.

Re claims 1-5, 7, 8, and 10-12: Reber et al teaches a product care label to be attached to a textile product (20) and a method of producing a product care label for textiles, comprising: a carrier part/tape having at least one care instruction (washing, drying, and folding instructions) including information on suitable care of a textile product, at least one transponder (electronic tag 22) having an electronic component (receiver 74, transmitter 76, processor 72, electromagnetic power receiver 78, memory 70), the at least one transponder being attached to the carrier part/tape (the carrier part being the medium/substrate on which the electronic tag 22 is formed), the electronic component holding information corresponding to the at least one care instruction, wherein the information held by the electronic component is electronic information, wherein the electronic component is applied to the carrier part, wherein the electronic information corresponds to all care instructions of the textile product, wherein the electronic component is a flat chip, wherein the electronic component is a flat coil, wherein the at least one transponder has a synthetic resin encasing the electronic

component, pressing/introducing a flat chip and a flat coil of the at least one transponder into a synthetic resin casing (the transponder is constructed as disclosed in U.S. Pat. No. 5,420,757, see column 6 lines 8-18) (see figures 1, 2, column 2 lines 22-32, column 2 line 51 - column 4 line 10, column 5 line 19 - column 6 line 18, column 7 line 64 - column 8 line 12, and column 10 lines 10-59).

Reber et al fails to specifically teach the carrier part being a plastic or textile carrier part/tape, wherein the at least one care instruction is at least one care symbol, wherein the textile carrier part is printed-on the textile product, wherein the textile carrier part is woven-in the textile product.

The admitted prior art teaches that product care labels are usually made of textile or plastic strips or tabs onto which care instructions in the form of symbols are printed, woven, or embroidered (see page 2, line 21 - page 4, line 16, of the specification).

In view of the admitted prior art, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system and method as taught by Reber et al, the carrier part being a textile or plastic carrier part/tape, wherein the at least one care instruction is at least one care symbol, wherein the textile carrier part is printed-on the textile product, wherein the textile carrier part is woven-in the textile product, in order to provide a label containing human readable care instructions as well as machine readable care instructions, thus allowing a user without appropriate electronic equipment to determine the proper care of the textile product, thereby providing compatibility with conventional systems.

Re claim 9: The teachings of Reber et al as modified by the admitted prior art have been discussed above.

While Reber et al as modified by the admitted prior art teaches the at least one care symbol being a plurality of care symbols, Reber et al as modified by the admitted prior art fails to teach the at least one transponder being a plurality of transponders and each of the care symbols being associated with a respective one of the transponders.

However, the use of a plurality of transponders and each of the transponders being associated with a respective one of the transponders is a duplication of the elements as taught by Reber et al as modified by the admitted prior art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Reber et al as modified by the admitted prior art, the at least one transponder being a plurality of transponders and each of the care symbols being associated with a respective one of the transponders, in order to provide a product care label that is capable of storing a greater amount of information than a product care label containing only a single transponder.

3. Claims 6, 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al as modified by the admitted prior art further in view of Tuttle et al (US 6,078,791).

The teachings of Reber et al as modified by the admitted prior art have been discussed above.

Reber et al as modified by the admitted prior art fails to teach wherein the electronic component is printed on the textile carrier part, printing the at least one

transponder on the carrier tape, fastening the at least one transponder on the carrier tape with an adhesive.

Tuttle et al teaches a transponder label and a method of producing a transponder label, comprising: printing an electronic component/transponder (loop antenna 19) on a carrier part/tape, fastening the at least one transponder on the carrier tape with an adhesive (epoxy) (see figures 1B, 11, 12, column 2 lines 20-57, column 3 lines 44-51, column 4 line 62 - column 5 line 17, column 6 lines 36-50, column 11 lines 6-18, 43-58, column 12 lines 10-27).

In view of Tuttle et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system and method as taught by Reber et al as modified by the admitted prior art, wherein the electronic component is printed on the textile carrier part, printing the at least one transponder on the carrier tape, fastening the at least one transponder on the carrier tape with an adhesive, in order to allow efficient mass production of the labels.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eberhardt et al (US 5,420,757) teaches the method of producing the transponder used in the Reber et al system (see Reber et al, column 6 lines 8-18). Beigel (US 5,973,598) teaches printing electrical components of a transponder (see column 5 lines 52-61). Gustafson (US 5,756,986), de Vall (US 5,574,470), Baldwin et al (WO 96/08596), Brewster et al (GB 2 073 550 A), Moschuetz (EP 0 911 710 A2),

Woebkemeier (WO 99/45493) all teach systems and methods using transponders to identify a textile product.

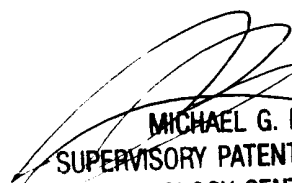
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


jjf

April 20, 2002


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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